



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5292

Introduced 1/25/2006, by Rep. Julie Hamos - Constance A. Howard

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 3921/10

Creates the Universal Access to Broadband Services Act. Requires the Department of Central Management Services to create and maintain a map of broadband infrastructure in the State. Sets forth that all publicly-held broadband infrastructure shall be available for lease, on a non-discriminatory basis, to any public, private, or non-profit entity. Requires CMS, in cooperation with the Broadband Deployment Council, to establish terms, conditions, procedures, and pricing for lease of the publicly-held broadband infrastructure, taking into consideration sliding fee schedules based on the income and financial resources available to end users and the existence of other community benefits. Authorizes public, private, or non-profit entities seeking to lease publicly-held broadband infrastructure to aggregate customers or demand for broadband services, and to create regional and multi-jurisdictional entities that aggregate customers or demand for broadband services. Authorizes certain pilot projects to stimulate deployment of broadband services in 3 underserved areas of the State. Adds other provisions. Amends the Illinois Century Network Act to provide that the Illinois Century Network shall be available for lease, on a non-discriminatory basis, to any public, private, or non-profit entity pursuant to the Universal Access to Broadband Services Act. Effective immediately.

LRB094 19275 RSP 54916 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Universal Access to Broadband Services Act.

6 Section 5. Findings and declaration of policy. It is
7 hereby found and declared that:

8 (a) The future economic vitality of the State of Illinois
9 depends on continued participation in the growing global
10 information economy, which in turn depends on access to
11 universal, competitive, and affordable broadband services in
12 all areas of the State.

13 (b) All residents throughout the State need access to
14 computers and broadband services to equip themselves with the
15 skills necessary for jobs of the future.

16 (c) The public safety and security of the State require all
17 law enforcement, public safety, homeland security, and public
18 health providers to have access to broadband services to be
19 able to communicate in an efficient, timely, and secure manner,
20 especially during emergencies or disasters.

21 (d) Improved quality of health care throughout the State
22 depends on access to broadband services to enable medical
23 providers to implement and interconnect electronic health
24 records.

25 (e) Universal, competitive, and affordable broadband
26 services can be achieved only through cooperation and
27 collaboration among public, private, and non-profit entities.

28 Section 10. Mapping of publicly-held broadband
29 infrastructure.

30 (a) The Department of Central Management Services (CMS)
31 shall create a map of all "publicly-held broadband

1 infrastructure" in the State, defined as all properties,
2 facilities, towers, equipment, hardware, software, and other
3 intellectual property necessary to provide broadband services,
4 that are owned by, leased by, controlled by, paid for in whole
5 or in part by, or accessible to the Illinois Century Network,
6 the Illinois Department of Transportation, the Illinois State
7 Toll Highway Authority, public universities or colleges,
8 community colleges, or any other State agency.

9 (b) CMS shall update this map on a continuous basis, or as
10 often as is practicable, to reflect continued deployment or
11 upgrading of publicly-held broadband infrastructure and the
12 installation of underground conduit and above-ground wireless
13 facilities and towers pursuant to subsection (e) of Section 15.

14 Section 15. Universal access to publicly-held broadband
15 infrastructure.

16 (a) All publicly-held broadband infrastructure shall be
17 available for lease, on a non-discriminatory basis, to any
18 public, private, or non-profit entity.

19 (b) CMS, working in cooperation with the Broadband
20 Deployment Council established by Executive Order 2005-9,
21 shall establish terms, conditions, procedures, and pricing for
22 lease of the publicly-held broadband infrastructure, taking
23 into consideration sliding fee schedules based on the income
24 and financial resources available to end users and the
25 existence of other community benefits.

26 (c) Any public, private, or non-profit entities seeking to
27 lease publicly-held broadband infrastructure may aggregate
28 customers or demand for broadband services, and may create
29 regional and multi-jurisdictional entities that aggregate
30 customers or demand for broadband services.

31 (d) Any home rule municipality, non-home rule
32 municipality, township, or county may apply for and receive
33 funds to undertake broadband projects, including the use of
34 publicly-held broadband infrastructure, and may take steps as
35 it may deem appropriate to address the level of broadband

1 access available to its businesses and residents.

2 (e) Any infrastructure improvement that requires the
3 digging of a trench or building of a tower or wireless
4 facility, paid for in whole or in part by State funds, whether
5 undertaken by a State, county, municipal, or other public
6 agency, shall include, wherever possible, the:

7 (1) installation of underground conduit and optical
8 fiber;

9 (2) provision of space for wireless equipment; and

10 (3) installation of conduit to towers or wireless
11 facility locations, all of which can be made available on a
12 non-discriminatory basis to public, private, and
13 non-profit entities for the installation of fiber optic
14 lines, wireless facilities and equipment for
15 communications, or information services via the conduit,
16 tower, or facility.

17 Section 20. Pilot projects.

18 (a) CMS, working in cooperation with the Department of
19 Commerce and Economic Opportunity and the Illinois Department
20 of Transportation, shall develop plans to stimulate deployment
21 of broadband services in 3 underserved areas of the State. In
22 identifying the underserved areas, CMS shall consider the
23 area's economic conditions, including factors such as median
24 household income; critical skills shortages; lack of economic
25 development activity; availability and affordability of access
26 to broadband services, including lack of options available for
27 broadband service; or low percentage of residents subscribing
28 for broadband service.

29 (b) The plan for each pilot project shall:

30 (1) detail the demographics of the underserved area
31 selected;

32 (2) provide a database of local resources available,
33 including communities, municipalities, or organizations
34 with capacity to aggregate customers or demand for
35 broadband services and public and private sector entities

1 willing to partner in and provide funding toward a
2 broadband project; and

3 (3) itemize necessary funding and financing
4 alternatives for planning assistance, technical design,
5 and full deployment of broadband infrastructure to develop
6 and implement the broadband project, including properties,
7 facilities, equipment, hardware, software, and other
8 intellectual property as may be needed.

9 Section 25. The Illinois Century Network Act is amended by
10 changing Section 10 as follows:

11 (20 ILCS 3921/10)

12 Sec. 10. Illinois Century Network. The Illinois Century
13 Network shall be a service creating and maintaining high speed
14 telecommunications networks that provide reliable
15 communication links to and among Illinois schools,
16 institutions of higher education, libraries, museums, research
17 institutions, State agencies, units of local government, and
18 other local entities that provide services to Illinois
19 citizens. The Illinois Century Network shall build on existing
20 investments in networking schools, colleges, and universities,
21 avoid duplication of future efforts, maintain sufficient
22 capacity to meet the requirements of the participating
23 institutions, ~~and~~ stay current with rapid developments in
24 technology, and be available for lease, on a non-discriminatory
25 basis, to any public, private, or non-profit entity pursuant to
26 the Universal Access to Broadband Services Act. The Illinois
27 Century Network shall be capable of delivering
28 state-of-the-art access to education, training, and electronic
29 information and shall provide access to networking
30 technologies for institutions located in even the most remote
31 areas of this State.

32 (Source: P.A. 91-21, eff. 7-1-99; 92-691, eff. 7-18-02.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.